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Self-determination, Secession and Sedition

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Introduction: The idea of self-determination, as a political concept evolved at first by a by-product of the doctrine of nationalism, to which an early expression was given by the French and American revolutions. This was accepted as a tool for peace buy the Allies during the first Word War (1914-18). The U.S President, Woodrow Wilson also listed self-determination as an important objective for the postwar world in the Fourteen Point Plan, but resulting in the fragmentation of the old Austric-Hungarian and Ottoman Empires and Russia's former Baltic territories in to a number of new States. The League of Nations also recognized the principle.

Flip-flop of the Communists: The expression self-determination is nowadays being exploited by separatist forces according to their own interpretation to hide their secessionist motives in India. Self-determination is not at all new for the Communists, but, however the Calcutta conference of CPI (M) held in 1964 decided to remove the section pertaining to 'the right to self-determination of nations' from their party programme. But, again the issue was taken up at Madurai for discussion in the Ninth Conference in 1972. Since then, many party documents and booklets issued and published by various Communist parties have started propagating the idea of self-determination in different parts of the country.

In fact, V. I. Lenin[1] sent his thesis, "The Socialist Revolution and the Right to Self-determination" to Norway to allow Swedish and Norwegian left-wing socialists to study them in 1916. He himself recorded how his thesis was received by other Marxists with varied opinions. The question was raised in respect of Poland in 1895-96, before the London International Socialist Congress of 1896 by Rosa Luxemburg, Karl Kautsky and the Polish independents who represented three different views[2].

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[1] V. I. Lenin, ***Collected Works***, Vol.22, Progress Publishers, Moscow, 1964, pp.131-156; 320-360.

[2] V. I. Lenin, ***Collected Works***, Vol.20, Progress Publishers, Moscow, 1964.
In his another article, '***The Right of Nations to self-determination***', he discusses the three views on Poland's independence.

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In Indian context, having understood the implicative nature, the Communists continuously opined that the repetition of slogan that 'all nations or nationalities should be given its right of self-determination' would only amount to giving concession to destructive forces which represent narrow nationalist views. Though there are linguistic and national entities existing in India, they cannot be divided into oppressive and oppressed categories. To include the proviso of self-determination would create a great danger in our country. Instead of Indian working class fighting against linguistic chauvinism, separatist forces, economic imbalance and more State autonomy, it would lead to helping such separatist forces[3].

However, in recent times, the very same Communist parties with their metamorphosis have not only started to preach the right to self-determination, but also the linked condition of the right to secede following the footsteps of Lenin[4]. This new ideology has so influenced the present separatist and anti-national forces that they have also started incorporating it in their propaganda with an aim to provoke the Indian nationalists. Surprisingly, the literature of most of these organizations which have trans-territorial affiliations and loyalties and such foreign secessionist organizations convey the same language of Lenin[5].

The Position of Self-determination in Marxism and Leninism: Lenin is very specific in this regard. He asserts that if we want to grasp the meaning of self-determination of nations, not by judging with legal definitions, or 'inventing' abstract definitions by by examining the historio-economic conditions of the national movements, we must inevitably reach the conclusion that the self-determination of nations means the political separation of these nations from alien national bodies and the formation of an independent state. Again, in his theoretical essay, he mentions that the self-determination in the Marxist programme cannot, from a historio-economic view, have any other meaning than political self-determination, and the formation of a national state[6].

Here, the Communists of Marx and Lenin divide in their opinion about the condition of 'secession'. Indian 'nationalist' Communists oppose secession

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[3] A Marxist publication, ***Indiyavil Desiya Inapprachinai – Marxsiya Anugumurai*** (Tamil – Marxist approach to the Problem of National Races in India), CPI (M), the book is available in the library of the Party office at the Vaidhyarama Iyer Street, T. Nagar, Chennai – 600 017.

[4] P. Maniyarasan, ***Indiyavil Desiya Inangal*** (Tamil – National Races in India) Tanjore, Tamilnadu. The author has interviewed him at Ambattur two times about the issue and a copy of this paper has also given to him for his comments.

[5] LTTE, ***Towards Liberation***, Publication No.8, 1984.
It contains the so-called selected political documents of LTTE and discusses 'self-determination' at length condemning Marxists and Leninists who support for 'self-determination', but refuses and opposes the linked condition of the 'right to secede'. Most of the separatist movements of 'Tamilnadu' are not only deeply influenced by such an ideology, but have also started writing articles to attract the mass.

[6] V. I. Lenin, opt.cit, vol.20.

because of obvious reasons, whereas, other extreme and revolutionary Communist categories strongly support it. They, thus argue that the right of nations to self-determination in Lenin's formulation means the right of an oppressed nation to secede from the oppressor nation and form an independent national state. Therefore, those who pretend to recognize the right to self-determination but argue that such right does not entitle the right to secede are neither Marxists nor Leninists, but chauvinists parading under socialist slogans. According to them, they are pseudo-socialists and are characterized by Lenin[7] himself as follows:

> "***A socialist in any form of the oppressor nations who do not recognize and does not struggle for the right of the oppressed nations to self-determination (i.e, for the right to secession) is in reality a chauvinist, not socialist***"

As they have prepared for such a condition to secede, ways are searched to claim that each linguistic, ethnic or cultural group constitutes a separate 'nation', thereby trying to fulfill the requirement. As such linguistic state has to become a 'nation', India has to become a 'country' or 'sub-continent' and not 'nation'. Therefore, the ideologists and theoreticians have started propounding that India is not a nation, but a country with many nations or nationalities, importing western and communist political thoughts and conflating them together. Inspired by such ideology, each separatist group has started exhibit and explain their exclusiveness by self-imposed characteristics. But, in such over enthusiastic approach, they have not considered and studied the national and international legal implications and complications to justify their stand within the frame work of the Constitution of India, Indian Acts and Rules made thereunder.

'Self-determination' in World Forums: The 20th century has been marked by the awakening of many nations to independent development, because of increase of national and political movements to achieve self-determination, proclaimed by the French Revolution as an ideal, is today becoming a universally recognized principle of international law (Art. 1 of the UN Charter[8]). This means not only the right of each nation to decide its own feature, but also the state system which it considers most suitable for its development at a particular stage. This also implies the duty of all other states and nations to assist that nation in exercising its right to self-determination. However, that nation is not entitled to exercise its right to self-determination at the expense of the rights of another nation. A nation seeking self-determination can get the international support and recognition of its right only on condition that it respects the rights of other nations to self-determination.

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[7] V. I. Lenin, opt.cit, vol.22.

[8] U. N. Charter: Article-1, paragraph.2; Article-55, paragraph.1.

Today, this concept has been embodied in numerous international legal instruments including the UN Charter as has already been pointed out. The UN Charter gives two specific meanings of the term self-determination. First, a state is said to have the right of self-determination in the sense of having right to choose freely its political, economic, social and cultural systems. Second, the right to self-determination is defined as the right of people to constitute itself in a state or otherwise freely determine the form of association with an existing state. Therefore, it is very evident that within a nation-state, self-determination is not entertained, as it blatantly violates the sovereignty, integrity and unity and that too particularly when it is linked with the right to secede.

Self-determination linked with development: The right to self-determination has been increasingly identified with the right to development, including the development of each individual. In 1960s, development was interpreted as economic development and in 1970s, it was regarded as a factor promoting observance of human rights and a necessity addition to social and cultural development. The right to development has already been embodied in a number of key international instruments, such as the UN Charter, the Universal Declaration of Human Rights, the International Covenant on Human Rights and various other declarations and covenants adopted by the United Nations[9]. The Declaration on the Establishment of a New Economic Order (1974) states that such an order should be based on full observance of each country to establish the economic and social system which it considers to be most suitable for its own development, without suffering any discrimination as a result of such a choice, and also full inalienable sovereignty of each state over its national resources and economic activity. Prof. F. Rigaux of Belgium opines in his study undertaken for UNESCO, which the right to self-determination is a foundation on which it would be possible to build a new international economic order.

The study of Prof. Rector Gros Espiell[10] of Uruguay proposes that the legal recognition and effective implementation of the right to full development of peoples struggling for self-determination - a right which, of course, in likewise enjoyed by states especially the developing states – can only be achieved given the recognition and implementation of the right of people to self-determination. However, the concept does not cancel out or replace the existing system of rules and principles of modern international law, since the full realization of the right to self-determination can be most effective only if the other rules and principles of contemporary international laws are

[9] Document UNESCO.59-78 [conf.630(s), p.25].

[10] Hector Gros Espiell (Special Rapporteur), ***Implementation of United Nations Resolutions Relating to the Right of Peoples under Colonial and Alien Domination to Self-determination***, U. N. Document E/CN/Sub.4-405, Vol.1; see also E/CN.4/SU B7 2/404.

observed, including the principle of respect for national sovereignty and non-interference in the domestic affairs of other countries. As this is human rights issue, it is obvious that under international law, it is within the jurisdiction of each state and no international body is entitled to interfere in its domestic affairs.

The concept of 'Self-determination' in India: As already pointed out, the concept of 'Self-determination' is misused or rather abused by the separatist forces in India. Even, certain vested political parties and leaders, usng the very same terminology have started trying to import new interpretation leading to secessionism. For that they propose and propound new hypotheses and theories that each linguistic, religious, ethnic and cultural group forms a 'nationality' and hence eligible to claim the right to self-determination. These ideological groups with an aim to separatism start movements under the autonomist, linguistic, ethnic (or racist), anti-immigrant, religious, tribalist and irredentist categories with ulterior motive of secession[11].

Autonomist movements: These are most common to communities of different taxonomic level: nation, nationality, tribe, ethno-linguistic and ethno religious groups. Being a legal and effective form of mass political mobilization, they promote the ideology of local nationalism against the concept of 'national integration'. Starting with 'centre-state relations', they invariably embrace all aspects of sharing powers and natural resources, decentralization etc.

Linguistic movements: They actually aim at attaining socio-cultural anatomy hen ethnic languages are acknowledged as official and used in the system of education, judiciary, mass media etc., with political power, they slowly turn into autonomist and separatist movement, bringing other geographical, historical and racial myths for exciting the masses.

Anti-immigrant movements: they are known in various countries as movements of ;sons of soil' (Bumiputra) against outsiders, foreigners and other titles. The aim is to deprive the migrants and their dependents of the privileged position, though earned by their hardwork, restrict their political and civil rights or even oust them from the ethnic region of the nation. Here, two distinctive groups can be identified: Chauvinist campaigns of the dominant ethnic, religious or linguistic groups against the respective

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[11] S. Brook (Cons.Ed.), ***Present-day Asia: Ethnocultural and National Political Processes***, Soviet Ethnographic Studies, Series-9, Nauka Publishers, Moscow, 1989, pp.88-95.

A. M. Dyakov, ***The National Problem in India Today***, Nauka Publishing House, Moscow, 1966.

These two are quoted to note the changing views of Communists within 30 years.

minorities and autochthonist movements of the minorities against the dominating majority.

Religious movements: They are most common to states in which one of the religions or its branch / denomination is proclaimed a state religion or is supported by state and they are controlled by fundamentalist, fanatic and terrorist forces leasing to secession. Theocratic movements have not only trans-territorial loyalties, but also anti-national tendencies.

Tribal movements: they are aimed at preserving the traditional way of life and tribal particularism, encouraged by extraneous and trans-territorial forces. They are taught that all non-tribals are exploiting them enjoying their wealth and lands and therefore, such non-tribals should be driven away so that a separate state can be formed exclusively for tribes. At many places, they are also converted into minority religious to bring ethno-religious and linguistic dimensions directly leading to secession.

Irredentist movements: They are related to the problem of divided ethnic groups and state borders which is so common in Asian nations. These movements mainly thrive on religious, linguistic, cultural and social past; interpret its glory in the present and lead to secession inn future.

Besides, the above general categories, in India, there are specific movements, which rely on either one or many of the above reasons and combine local issues to pose new problems. Castesist, dalit, anti-Brahmin, neo-religious and minority movements, some times try to break national fabric, because of peculiar ideologies.

'National factors': According to modern political context, each 'nation' has historical and geographical myths about their traditional boundaries. The racial myths turned ethnic hypotheses are now exploited by the ideologues and theoreticians of separatist movements to rouse the passion of people. Then, they bring the 'common coin of language'. Arnold Toyanbee[12] has rightly has rightly condemned those who seek 'the criterion of Nationality in the shibboleth of Language'. Not only language was invoked by the European nationalism from 1848 to 1919, but also by the Indian chauvinists particularly after independence under various banners.

Language and Nation: Language can definitely not be an adequate criterion for nationality as it is not fixed datum and that politics shape language as such language shapes politics. In most parts of the world, linguistic communities are not of a size with all other 'national' factors suitable for modern nation-states. The transition from empire to nation has

[12] Arnold Toyanbee, ***A study of History***, Oxford University Press, London, 1934-54, Vol.8, p.536.

often brought a complete reversal of attitude towards linguistic diversity. Only one distinct language may be predominant throughout the nation (e.g, Japan, Korea, Mongolia, Vietnam, Turkey and Madagascar); a single language predominant in several neighboring nations (the Spanish speaking nations of Latin America and the Arab nations of the middle east and North Africa); a variety of closely related languages one of which serves official language (Indonesia, Philippines, Tanganyika); a variety of unrelated languages of which only one has substantial literary tradition (Morocco, Peru, Bolivia, Burma, Mexico, Guatemala, Ecuador); a variety of distinct languages without literary tradition (Tropical Africa); and a variety of distinct languages each with its own literary tradition (India, Pakistan, Sri Lanka, Malaysia, Cyprus).

Religion and nation: religion is also considered for separate nationality, of course, where all other factors are also cleverly tagged, such as ethno-cultural and linguistic. But, in the present day world, we have so many nations, even though they have the same religion or major religious group. Christian and Muslim nations are examples for this case. The religious basis claim of nationality is proven a myth in the case of partitioned Pakistan into two states.

Unity and diversity of language, culture, religion and other socio-cultural factors are found not only among the people of the same category, but also within themselves. Therefore, such linguistic unity and diversity, cultural unity and diversity, religious unity and diversity or ethnic unity and diversity can not be invoked for separate nationhood or nationality. Individual development is definitely having bearing on the development of any nation, but at the same time, for individual's failure nation cannot be held responsible and thereby revolting against it. But, when national economic policies affect the development of individual and society as a whole, then, he or she has every right to question the propriety of such politics and seek remedy.

Dissatisfaction within a nation: coming to the main issue of national resources and their distribution, all inherent practical difficulties should be taken into account. Socio-economic backwardness and the slow rate if development may be explained by objective factors like poor means of communication, long distance of major commercial and industrial centres, the lack of scarcity of investment capital, inter-regional division of labour and so on. In some backward regions, the revenue realized often cannot even cover the administrative costs with their own funds and since the government has to subside them. In all such cases, the problem should be dealt accordingly with committed interest, but without bringing emotional factors, justifying or opposing such backwardness.

With the advancement of science and technology in the fields of transport, communication and industry, efforts can be made to overcome such natural and geographical obstacles to cater and satisfy the needs of people of affected

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areas[13]. Modernity has made man to come close together creating interactive interdependency. In such an interdependent state, no individual, group, society or even nation can act and live independently without depending on others. But,, this does not mean that self-reliance should be sacrificed to create or have such perpetual dependency, particularly in the economic and scientific fields.

Nowadays, political scientists view modernity ad nation together for the progress of humanity achieving perfection in Indian context, modernization can simply be taken as all socio-economic transformation processes widening control over nature and natural resources and their equal distribution through closer co-operation of Indians. As Indians form India, only through them modernity can be achieved. Scientific discovery, new technical skills, industrial production, professional and job oriented education, quick transportation of goods and distribution of power to grass root levels are among the tools of modernity. In such modernization processes, Indianization and indigenization of technology and skills are very much necessary to achieve self-dependency.

In such a situation, Indians should try to solve their genuine socio-economic problems through national-political processes without exploiting ethno-linguistic and religious-cultural differences. When world nations are discussing about the right of self-determination for development of building a new economic order, it is a pity that separatist ideologues talk about the tight to self-determination in a different manner.

No doubt, India that is Bharat is a Union of states and the territories thereof, but such states and territories never formed the entity of India with any right to secession. Federal system, in the modern political context, is definitely followed, but states cannot act independently against centre. If some groups of different ideology feel in spite of the federal nature of Indian political system, that they are not getting their share at par with other Indians, they can very well fight for their rights within the frame work of Indian Constitution. Regional economic imbalances can be removed, only through regional development processes, where the concerned people should have total commitment to achieve goals. Some such groups recently have gone to the extent of demanding to elect a new Constituent Assembly to enact new Constitute and incorporate the right of self-determination to all nationalities in such Constitution[14].

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[13] Denwart A Rustow, ***A World of Nations – Problems of Political Modernisation***, The Brookings Intitution, Washington, D.C, 1967, pp.47-55.

[14] One of the resolutions passed by Pattali Makkal Kazhagam (PMK) conference held at Madras in September 10-12, 1992, in which the former Prme Minister V. P. Singh and others participated.

There have been other separatist groups went on conducting conferences and passing such resolutions. Some are quoted:

Sedition: the word 'sedition' is derived from the Latin seditio which means 'a going aside'. All separatist tendencies and movements within a state, with all western political and Indian legal context, are called seditious. Now, the word sedition has come to be applied to practices which tend to disturb internal public tranquility by deed, word or writing, but which do not amount to treason and are not accompanied by or conducive to open violence. The substance of the Indian law of sedition is contained in the Section 124-A, 154-A and 295-A of Indian Penal Code, Section-2 of the Criminal Act, 1961 read with Section 13 (1) & (2) of the Unlawful Activities (Prevention) Act, 1967. There are other Acts relating to the specific offences like disrespect to national symbols (Act of 1971), National Security (88 of 1980), anti-terrorism (61 of 1980) and Terrorist and Disruptive Activities Act, 1985.

Invariably, the leaders of separatist movements and or ideology invite trouble by their deed, word or writing attracting the provisions of the above Acts. They do it, perhaps because of their over-enthusiasm, purposeful motivation or willful mischief. In any case, knowing the implications and legal complications, it is unbecoming on their parts to indulge in such activities.

The expression 'self-determination' is not all a ugly or sinful expression, when it is used in international development context. Indeed, Sri Aurobindo himself has written about 'self-determination' almost at the same time, when it was uttered and discussed by the westerners and communists including Lenin, but in his own way of mixing philosophy with polity[15]:

> *"A new phrase has recently been cast out from the blood strained yeast of war into the shifty language of politics – that strange language full of maya and falsities, of self-illusion and deliberate delusion of others, which almost immediately turns all true and vivid phrases into a jargon, so that men may fight*

Conference on Self-determination of Tamil Nationality organized by Tamil National Communist Party in February 25, 1990 at the Periyar Thidal (of Head quarters of the Dravidar Kazhagam), Madras.

The Resolutions passed by the Tamil National Font for Self-determination at the above conference, 25/5, Lalkhan Street, Chidambaram – 608 001.

Manifesto of the Tamil Nationalist Front for Self-determination, Tiliban Manram, 41-A, Murtugappa Reddy Street, Venkatapuram, Ambattur, Chennai – 600 053.

The DK, DMK and their leaders have been nurturing such ideas since their inception. Some of their literature is:

Murasoli Maran, ***En Vendum Entha Inba Dravidam? – Why We want the Happy Dravidastan?***, Muthuvel Pathippagam, Trichirappalli, 1957.

C. N. Annadurai, ***Vazhthu*** (Selected collection of speeches of C. N. Annadurai), Kasi Nilayam, Madurai, 1958.

[15] Sri Aurobindo, ***The Human Cycle. The Ideal of Human Unity, War and Self-Determination***, Sri Aurobindo Ashram, Pondicherry, 1962, p.834.

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> *in a cloud of words without any clear sense of the thing they are battling for, - it is the luminous description as the just power, the freely exercised right of self-determination. The word is in itself a happy discovery, a thought-sign of real usefulness. For it helps to make definite and manageable what was apt till now to be splendidly vague and nebulous. Its invention is a sign at once of growing clarity of conception about this great good which man has been striving to achieve for himself through the centuries, as yet without any satisfying success to boast of anywhere, and of the increasing subjectivity of our ideas about life"*

Perhaps, we are familiar with the concept of India as a nation according to Sri Aurobindo. With that one can understand how the beautiful expression 'self-determination' is misused and abused by the vested groups for their frustrated political ambitions deviating from the national unity and integrity. No doubt every man has every right to determine about himself, but he cannot override or violate the similar right of other men. This is applicable not only to the individual, group, society, but to every nation in the world. That is how the world bodies like UN, UNESCO and other for a have understood and propagate the idea for development of individuals and nations. Therefore, instead of linking self-determination with secession, it can be linked to self-fulfillment, self-improvement, self-reliance, self-righteousness, self-sacrifice and ultimately self-development. If this is achieved, then, 'self' from the above expressions can be removed in the national interest.

National differentiation and integration: Nation is differentiated with the variables like language, culture, religion, race and other factors by some political and social scientists. Economists also analyze the financial, commercial and other processes involved in this methodology. At the same time, nation is also integrated almost with the same variables, which are used for integration. Here, not only the concept of unity in diversity comes, but also the concept of 'unity and diversity'. In reality, we have unity and diversity in every variable like language, culture, ethnicity and other factors. Linguistic unity and diversity, cultural unity and diversity, religious unity and diversity and so on, are exactly real social processes. As in mathematical processes of differentiation and integration, we require constants to arrive at results, here also we should take the 'unity and diversity' factors as constants in differentiation for national development and in integration for national sovereignty.

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